

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, July 16, 1931.

The Council was called to order by the Mayor. Roll call showed the following members present: Councilman Alford, Mayor McFadden, Councilmen Mueller and Steck, 4; absent, Councilman Gillis, 1.

The Minutes of the last meeting were read and Councilman Alford moved the adoption of same as read. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Councilman Alford, Mayor McFadden, Councilmen Mueller and Steck, 4; nays, none; Councilman Gillis absent, 1.

Councilman Gillis entered the Council Chamber.

G. H. Harrington appeared before the Council and asked that he be given some relief from the flooding of his property at 3008 Guadalupe Street when it rains, caused by the damming of the west branch of Waller Creek by reason of a storm sewer which the City had laid there. The matter was referred to the City Engineer for adjustment.

This being the day set for the hearing of owners of abutting property and others interested with reference to street improvements to be constructed in the certain Units or Districts of Improvement as follows:

SOUTH CONGRESS AVENUE, west side, from Station 14 plus 83, beginning at monument at First Street and Congress Avenue to Station 19 plus 35, known and designated as Unit or District No. P-175;

Harris Park Avenue from the south line of Elmwood Street to the south line of East Thirty-second Street, known and designated as Unit or District No. P-167;

ALLEY IN BLOCK 66 between Sixth and Seventh Street from the east line of Trinity Street to the west line of Neches Street, known and designated as Unit or District No. P-164;

ALLEY IN BLOCK 65 between Sixth and Seventh Streets from the east line of Neches Street to the west line of Red River Street, known and designated as Unit or District No. P-165;

ALLEY IN BLOCK 22½ between Guadalupe and San Antonio Streets from the north line of 21st Street to the south line of 22nd Street, known and designated as Unit or District No. P-166 ;

the Mayor thereupon stated that all persons desiring to protest the levying of assessments against abutting property on the above mentioned streets and within the limits above stated, or who desired to be heard with reference to the improvements proposed to be assessed against said property and the owners thereof, the lien and liability thereof, the special benefits to the property and the owners thereof, or any other matters or things authorized by the provisions of Article XXIV of the Charter of the City of Austin to be urged and considered at this hearing, would now be heard from, and thereupon the following persons appeared and were heard:

On Alley in Block 22½ - District No. P-166:

Miss Roberta Lavender, by written protest, objected to the paving on account of the noise resulting from the increase in traffic.

T. H. Barrow, representing the University Baptist Church, Mrs. Janie Beverly and Mrs. Clara Newman Murray, stated that they were not financially able to pay for the paving; that it was not really needed, and the increase in traffic by reason of same would be a nuisance; and that as almost all the property owners were opposed to it, their protests should be given consideration.

On Harris Park Avenue - District No. P-167:

C. D. Caswell stated that he was not financially able to pay for the paving as he still owes for the paving already laid in front of his property, and that he has not finished paying for his home either. He asked that no lien be placed against his property.

On Harris Park Avenue - District P-167 - Continued

O. L. Erwin, represented by his daughter, Miss Bernice Erwin, stated that his employment with the railroad company was uncertain and they were not financially able to pay for the paving.

Mrs. Nellie T. Evans stated that she has already paid out \$2200.00 in cash for paving; that all of her property on this street, except her home, is vacant and brings in no revenue; and that her property will not be enhanced in value equal to the cost of paving. She also presented the following written communication from her attorneys:

"Austin, Texas, July 15, 1931.

Honorable Mayor and City Council,
Austin, Texas.

Gentlemen:

As attorneys for Mrs. Nella T. Evans of Austin, Texas, we desire to enter a written protest concerning the proposed paving of 384 feet on Harris Park Avenue owned by Mrs. Evans and being Lots Nos. 4, 5, 29 and 40 of College Court Addition to the City of Austin. The cost of the proposed paving will amount to more than \$1100.00. Due to the location of this property and the value of these lots and the property adjoining same, and information which has been brought to our attention, we do not believe that the benefits to be derived from this paving will anything like equal the cost of the paving.

We are entering this protest in order that you may give this matter your careful consideration before taking further action. In the event the property is paved over Mrs. Evans' protest, she expects to resist the payment and have the matter adjudicated in court.

Yours very truly,

WHITE, WILCOX, TAYLOR & GARDNER,

By Q. C. Taylor. "

No other interested persons or property owners having requested to be heard, the Mayor thereupon laid before the Council the following ordinance:

ORDINANCE CLOSING HEARING AND
LEVYING ASSESSMENTS FOR PART OF
THE COST OF IMPROVING A PORTION
OF SOUTH CONGRESS AVENUE IN THE
CITY OF AUSTIN, TEXAS, FIXING A
CHARGE AND LIEN AGAINST PROPERTY
ABUTTING THEREON AND AGAINST THE
OWNERS THEREOF, PROVIDING FOR THE
COLLECTION OF SUCH ASSESSMENTS AND
THE ISSUANCE OF ASSIGNABLE CERTIFI-
CATES IN EVIDENCE THEREOF.

The above ordinance was read the first time and Councilman Mueller moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The ordinance was read the second time and Councilman Mueller moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN,
TEXAS, CLOSING A HEARING GIVEN TO
PROPERTY OWNERS ON PORTIONS OF
HARRIS PARK AVENUE AND ALLEYS, IN
THE CITY OF AUSTIN, AND DECLARING
AN EMERGENCY.

The foregoing ordinance was read the first time and Councilman Mueller moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The ordinance was read the second time and Councilman Mueller moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS, LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING PORTIONS OF HARRIS PARK AVENUE AND ALLEYS IN THE CITY OF AUSTIN, AND FIXING A LIEN AGAINST PROPERTY ABUTTING ON SAID STREET AND ALLEYS, AND A PERSONAL CHARGE AGAINST THE OWNERS THEREOF, AND PROVIDING FOR THE COLLECTION THEREOF, AND DECLARING AN EMERGENCY.

The above ordinance was read the first time and Councilman Alford moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The ordinance was read the second time and Councilman Alford moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The ordinance was read the third time and Councilman Alford moved that same be finally passed. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council for its second reading the following ordinance:

ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING AND PROVIDING FOR THE IMPROVEMENT OF THIRTIETH STREET IN THE CITY OF AUSTIN, TEXAS, FROM THE EAST LINE OF WEST AVENUE (which formerly was Pearl Street, but name was changed on June 11, 1931, by the City Council) TO THE WEST LINE OF GUADALUPE STREET, LETTING CONTRACT THEREFOR, APPROVING FORM OF CONTRACT AND BOND, AND PROVIDING FOR THE PAYMENT OF COST THEREOF.

The above ordinance was read the second time and laid over.

Report of Southwest Bitulithic Company, stating that the paving has been completed on Brazos Street from Thirteenth to Nineteenth Streets, District No. P-123, except in front of the homesteads of Mrs. Clara Olson, Mrs. Ione McCashin, Mrs. Beatrice Deen, and Mrs. Derie B. Henderson; San Antonio Street from Ninth to Eleventh Streets, District No. P-125, except in front of the homestead of J. L. Hunter; West Ninth Street from Guadalupe to San Antonio Streets, District No. P-144; and West Tenth Street from Lavaca to San Antonio Streets, District No. P-145, in accordance with the plans and specifications, was read. A report of H. R. F. Helland, Consulting Engineer, recommending the acceptance

of said paving was also read.

The Mayor then laid before the Council the following resolution:

RESOLUTION ACCEPTING STREET IMPROVEMENTS
CONSTRUCTED BY SOUTHWEST BITULITHIC
COMPANY ON A PORTION OF BRAZOS STREET
IN THE CITY OF AUSTIN, PROVIDING FOR
PAYMENT OF ANY BALANCE DUE BY THE CITY
FOR ITS PORTION OF THE COSTS OF SAID
IMPROVEMENTS AND FOR THE DELIVERY OF
CERTIFICATES OF ASSESSMENTS AGAINST
ABUTTING PROPERTY AND ITS OWNERS.

WHEREAS, on the 24th day of March, 1931, the City of Austin entered into a contract with Southwest Bitulithic Company whereby said company agreed to construct street improvements upon various portions of streets in the City of Austin, Texas, among which portions of streets was the following, to-wit:

BRAZOS STREET from the north line of Alley in Block 161 on east side and north line of Thirteenth Street on west side to the south line of Nineteenth Street, known and designated as Unit or District No. P-123; and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvements above described in accordance with its contract and the plans and specifications made a part thereof and said improvements have been found satisfactory and approved by the Consulting Engineer of the City, and have been found satisfactory and in accordance with the contract by the City Council of said City;

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

I.

That the street improvement constructed by Southwest Bitulithic Company upon said portion of Brazos Street hereinbefore described be and the same are hereby in all things approved and accepted by the City of Austin.

II.

That any balance of the portion of cost of said improvements agreed to be paid by the City of Austin be forthwith paid to said Contractor, and that the Mayor and City Clerk of said City of Austin be and they are hereby directed to execute and deliver to said Southwest Bitulithic Company assignable certificates of assessment against the various parcels of property abutting upon said portion of street and the owners of said property as heretobefore provided by the ordinance levying assessments against said property and the owners thereof.

III.

That this resolution take effect at once.

The above resolution was adopted by the following vote: Ayes, Councilmen Aford, Gillis, Mayor McFadden, Councilmen Mueller and Steak, 5; nays, none.

The Mayor laid before the Council the following resolution:

RESOLUTION ACCEPTING STREET IMPROVEMENTS
CONSTRUCTED BY SOUTHWEST BITULITHIC COMPANY
ON A PORTION OF SAN ANTONIO STREET IN THE
CITY OF AUSTIN, PROVIDING FOR PAYMENT OF
ANY BALANCE DUE BY THE CITY FOR ITS PORTION
OF THE COST OF SAID IMPROVEMENTS AND FOR THE
DELIVERY OF CERTIFICATES OF ASSESSMENTS
AGAINST ABUTTING PROPERTY AND ITS OWNERS.

WHEREAS, on the 24th day of March, 1931, the City of Austin entered into a contract with Southwest Bitulithic Company whereby said company agreed to construct street improvements upon various portions of streets in the City of Austin, Texas, among which portions of streets was the following to-wit:

SAN ANTONIO STREET from the south line of Ninth Street to the south line of Eleventh Street, known and designated as Unit or District No. P-125; and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvements above described in accordance with its contract and the plans and specifications made a part thereof and said improvements have been found satisfactory and approved by the Consulting Engineer of the City, and have been found satisfactory and in accordance with the contract by the City Council of said City;

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

I.

That the street improvements constructed by Southwest Bitulithic Company upon said portion of San Antonio Street hereinbefore described be and the same are hereby in all things approved and accepted by the City of Austin.

II.

That any balance of the portion of cost of said improvements agreed to be paid by the City of Austin be forthwith paid to said Contractor, and that the Mayor and City Clerk of said City of Austin be and they are hereby directed to execute and deliver to said Southwest Bitulithic Company assignable certificates of assessment against the various parcels of property abutting upon said portion of street and the owners of said property as heretofore provided by the ordinance levying assessments against said property and the owners thereof.

III.

That this resolution take effect at once.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

RESOLUTION ACCEPTING STREET IMPROVEMENTS
CONSTRUCTED BY SOUTHWEST BITULITHIC COM-
PANY ON A PORTION OF WEST NINTH STREET
IN THE CITY OF AUSTIN, PROVIDING FOR PAY-
MENT OF ANY BALANCE DUE BY THE CITY FOR
ITS PORTION OF THE COSTS OF SAID IMPROVE-
MENTS AND FOR THE DELIVERY OF CERTIFICATES
OF ASSESSMENTS AGAINST ABUTTING PROPERTY
AND ITS OWNERS.

WHEREAS, on the 24th day of March, 1931, the City of Austin entered into a contract with Southwest Bitulithic Company whereby said company agreed to construct street improvements upon various portions of streets in the City of Austin, Texas, among which portions of streets was the following to-wit:

WEST NINTH STREET from the west line of Guadalupe Street to the east line of San Antonio Street, known and designated as Unit or District No. P-144; and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvements above described in accordance with its contract and the plans and specifications made a part thereof and said improvements have been found satisfactory and approved by the Consulting Engineer of the City, and have been found satisfactory and in accordance with the contract by the City Council of said City;

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

I.

That the street improvements constructed by Southwest Bitulithic Company upon said portion of West Ninth Street hereinbefore described be and the same are hereby

in all things approved and accepted by the City of Austin.

II.

That any balance of the portion of cost of said improvements agreed to be paid by the City of Austin be forthwith paid to said Contractor, and that the Mayor and City Clerk of said City of Austin be and they are hereby directed to execute and deliver to said Southwest Bitulithic Company assignable certificates of assessment against the various parcels of property abutting upon said portion of street and the owners of said property as heretobefore provided by the ordinance levying assessments against said property and the owners thereof.

III.

That this resolution take effect at once.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steok, 5; nays, none.

The Mayor laid before the Council the following resolution:

RESOLUTION ACCEPTING STREET IMPROVEMENTS
CONSTRUCTED BY SOUTHWEST BITULITHIC COMPANY
ON A PORTION OF WEST TENTH STREET IN THE
CITY OF AUSTIN, PROVIDING FOR PAYMENT OF
ANY BALANCE DUE BY THE CITY FOR ITS PORTION
OF THE COST OF SAID IMPROVEMENTS AND FOR
THE DELIVERY OF CERTIFICATES OF ASSESSMENTS
AGAINST ABUTTING PROPERTY AND ITS OWNERS.

WHEREAS, on the 24th day of March, 1931, the City of Austin entered into a contract with Southwest Bitulithic Company whereby said company agreed to construct street improvements upon various portions of streets in the City of Austin, Texas, among which portions of streets was the following, to-wit:

WEST TENTH STREET from the west line of Lavaca Street to the east line of San Antonio Street, known and designated as Unit or District No. P-145; and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvement above described in accordance with its contract and the plans and specifications made a part thereof and said improvements have been found satisfactory and approved by the Consulting Engineer of the City, and have been found satisfactory and in accordance with the contract by the City Council of said City;

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN;

I.

That the street improvements constructed by Southwest Bitulithic Company upon said portion of West Tenth Street hereinbefore described be and the same are hereby in all things approved and accepted by the City of Austin.

II.

That any balance of the portion of cost of said improvements agreed to be paid by the City of Austin be forthwith paid to said Contractor, and that the Mayor and City Clerk of said City of Austin be and they are hereby directed to execute and deliver to said Southwest Bitulithic Company assignable certificates of assessment against the various parcels of property abutting upon said portion of street and the owners of said property as heretobefore provided by the ordinance levying assessments against said property and the owners thereof.

III.

That this resolution take effect at once.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

Councilman Alford moved that the work done by Dozier Construction Company under Street Improvement Bond Fund Contract No. 31, being construction of Bouldin Creek Cut-Off Culvert, be accepted, in accordance with the recommendation of H. R. F. Helland, Consulting Engineer, and that the City Manager be authorized to make final payment on same. Motion was seconded by Councilman Gillis, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

Councilman Alford moved that the work done by J. R. Blackmore under Street Improvement Bond Fund Contract No. 38, being for the construction of a bridge on Waller Creek at Twenty-sixth Street, be accepted, in accordance with the recommendation of H. R. F. Helland, Consulting Engineer, and that the City Manager be authorized to make final payment on same. Motion was seconded by Councilman Gillis, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

Councilman Alford moved that the work done by Richard Schmidt under Street Improvement Bond Fund Contract No. 50, being for rip-rapping below spillway on Bouldin Creek Cut-off be accepted, in accordance with the recommendation of H. R. F. Helland, Consulting Engineer, and that the City Manager be authorized to make final payment on same. Motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the sum of Three Hundred Seventy-five and 0/100 Dollars (\$375.00) be, and the same is, hereby appropriated out of the General Fund unincumbered revenue for the payment of premium on the surety bond of Sam Sparks, City Treasurer, for one year, beginning June 1, 1931.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in EAST THIRTY-FIRST STREET from Cameron Road to Robinson Avenue, the center line of which gas main shall be 20 feet south of and parallel to the north line of said East Thirty-first Street.

(2) A gas main in ROBINSON AVENUE from East Thirty-first Street to East Thirty-second Street, the center line of which gas main shall be 30 feet east of and parallel to the west line of said Robinson Avenue.

(3) A gas main in EAST TWENTY-FIRST STREET from Comal Street to Coletto Street, the center line of which gas main shall be 10 feet north of and parallel to the center line of said East Twenty-first Street. Said gas main described above shall have a cover of not less than 2½ feet.

(4) A gas main in HOLLEY STREET from Anthony Street to Mildred Street, the center line of which gas main shall be 26 feet south of and parallel to the north line of said Holley Street. Said gas main described above shall have a cover of not less than 2½ feet.

(5) A gas main in ANTHONY STREET from Garden Street to Haskell Street, the center line of which gas main shall be 18 feet west of and parallel to the east line of said Anthony Street. Said gas main described above shall have a cover of not less than 2½ feet.

(6) A gas main in CANADIAN STREET from Garden Street to Haskell Street, the center line of which gas main shall be 20 feet west of and parallel to the east line of said Canadian Street. Said gas main shall have a cover of not less than 2½ feet.

(7) A gas main in BELLVUE PLACE from Duval Street to Harris Park Avenue, the center line of which gas main shall be 10 feet north of and parallel to the center line of said Bellvue Place. Said gas main described above shall have a cover of not less than 2½ feet.

(8) A gas main in WEST TWELFTH STREET from West Lynn Street to Shelley Avenue, the center line of which gas main shall be 22 feet north of and parallel to the center line of said West Twelfth Street. Said gas main described above shall have a cover of not less than 2½ feet.

(9) A gas main in WEST TWELFTH STREET from West Lynn Street to Shelley Avenue, the center line of which gas main shall be 22 feet south of and parallel to the center line of said West Twelfth Street. Said gas main described above shall have a cover of not less than 2½ feet.

(10) A gas main in EAST TWENTIETH STREET from Salina Street to Poquito Street, the center line of which gas main shall be 10 feet north of and parallel to the center line of said East Twentieth Street. Said gas main described above shall have a cover of not less than 2½ feet.

(11) A gas main in EAST TWENTY-FIRST STREET from Salina Street to Poquito Street, the center line of which gas main shall be 10 feet north of and parallel to the center line of said East Twenty-first Street. Said gas main described above shall have a cover of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT wherever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of back filling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said company by the City of Austin.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following street :

(1) A gas main in QUADALUPE STREET from the north line of West Forty-fifth Street northerly approximately 100 feet, the center line of which gas main shall be 33 feet east of and parallel to the center line of said Guadalupe Street. Said gas main described above shall have a cover of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT wherever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of back filling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said company by the City of Austin.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

A petition signed by a number of citizens, asking that a traffic light be installed at the intersection of San Jacinto and Sixth Streets in order to lessen the traffic hazard at this point, was read and filed, and it was the opinion of the Council that said light should be installed at the earliest practicable date, or as soon as funds for the purchase of same are available.

Communications from H. F. Kuehne, Chairman Zoning Board of Adjustment, relative to the action taken by said Board on July 8th on the appeal of S. R. Fulmore, Agent for Mrs. D. T. Iglehart, asking for a reclassification of a certain district on 21st Street, and the action of the Board of Adjustment on July 14th relative to proposed amendments to the Zoning Ordinance, were read and filed.

The Mayor then laid before the Council the following resolution:

WHEREAS, the owners of at least 50 per cent of the property fronting north on West 21st Street, extending from the alley immediately east of Guadalupe Street to the alley immediately west of Speedway and extending south from the south line of West 21st Street a distance of approximately 140 feet, have petitioned the City Council to amend the Zoning Ordinance so as to change the USE designation of said property from "B" RESIDENCE DISTRICT to "C" COMMERCIAL DISTRICT; and

WHEREAS, the Board of Adjustment has recommended to the City Council that the Zoning Ordinance be amended changing the requirements of side and rear yards in FIRST HEIGHT AND AREA DISTRICT, SECOND HEIGHT AND AREA DISTRICT and THIRD HEIGHT AND AREA DISTRICT so as to provide for a percentage ration of combined area of side and rear yards to the total lot area behind front setback lines and fixing the minimum side and rear yard widths; and also that the third paragraph of Section 11 of said ordinance be

amended by inserting, after the word "altered" in the second line thereof, the words, "or any building or premises used" and by inserting, after the word, "building" in the third line thereof, the words, "or premises"; and

WHEREAS, under the terms of the Zoning Ordinance such matters must be referred to the City Plan Commission for its consideration and action and that a public hearing be held at which opportunity shall be given the public to offer any objections to said amendments; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said matters be referred to the City Plan Commission for its consideration and report to the City Council; and that a public hearing be held thereon at the City Hall at 8:00 P. M., on Monday, August 3, 1931, and that notice of such hearing be completed by publication as required by the terms of said Zoning Ordinance.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

Councilman Steck moved that, upon the recommendation of the City Engineer, the bid of Frank Rundell, in the amount of \$661.04, being the lowest bid submitted for the construction of a foot bridge across Boggy Creek at the Mexican Park, be accepted, and that the City Manager be authorized to enter into contract with said Frank Rundell for said work, at the price stated. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

Councilman Alford moved that, upon the recommendation of the City Engineer, the bid of J. F. Johnson for the construction of a bridge across Blunn Creek in the South Austin Park, in the amount of \$1625.00, being the lowest bid submitted for said work, be accepted, and that the City Manager be authorized to enter into contract with said J. F. Johnson for said work, at the price stated. Motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

Councilman Alford moved that, upon the recommendation of the City Engineer, the bid of Adolf Schutze for a sprinkler system on 15th Street between Congress Avenue and Red River Street, in the amount of \$743.84, being the lowest bid submitted for said work, be accepted, and that the City Manager be authorized to enter into contract with said Adolf Schutze for said work, at the price stated. Motion was seconded by Councilman Gillis and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, heretofore Malcolm C. East and wife, Mary Etta East, filed suit against the City of Austin for damages in the amount of Four Thousand (\$4000.00) Dollars for injuries alleged to have been sustained to their minor child by falling into a ditch located on the edge of South Congress Avenue in Austin, Texas, which suit is numbered and entitled No. 44232, M. C. East et al vs. City of Austin; and

WHEREAS, it is deemed advisable that the matters contained in said suit be settled and it is agreed that such may be done by the payment of \$100.00 to said plaintiffs;

Therefore,